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NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

KIO. No. 69/67

24.1.68
EYBA-1992
4 January 68

Judge investigator of the County Court at Prizren, at the request of the County Public Prosecutor at Prizren, Kt. (Criminal action) No. 121/67 of November 15, 1967, in the criminal matter against the accused DESTAN BERISHA, a worker of the Central Hospital at North Hampton (sic), USA, born in the village of Biluse, Assembly of Municipality Prizren, because of the criminal offense under Art. 105 subparagraph 2 of the Criminal Code as well as under Art. 117 subparagraph 2 in the connection with subparagraph 1 C.C., item 2, Law on Criminal Procedure, on November 16, 1967 rendered the following

DECISION

That against

the accused DESTAN BERISHA, so-called Destan of Bilusa, a worker of the Central Hospital at North Hampton, USA, born 1921 at the village of Bilusa, Assembly of Municipality Prizren, to Sahita, father, and Zame, mother, nee Ramadani, Shiptar, a citizen of the SFRY, married, no children, literate, self-educated, no service in the army, not registered in the army, who has been in investigative custody since September 16, 1967,

I. Regarding the up to this date carried out investigation because of the criminal action of organizing and smuggling armed groups and individuals and materials to Yugoslavia under Art. 111, subparagraph 1, of the CC, the criminal qualification is herewith changed to the criminal offense of espionage under Art. 105 subparagraph 2 CC.

II. so that

INVESTIGATION IS EXTENDED

because of the justified suspicion that the accused Destan Berisha became a member on November 27, 1966 of the Main Committee "Ljidhjae Prizrenit" with its seat at New York, for committing criminal acts under Art. 100 and 101 of the CC because of the manner that this enemy organization directs its activities to separately force a part of the SFRY territory and join to ethnical Albania. For this purpose the organization assembles emigrants from Kosovo and Metohia Shiptars and organizes them to fight against the social structure of the SFRY to annex Kosmet to Albania and create a big Albania.

In order to execute this aim, the organization works on assembling other of our citizens who reside in Kosmet to work to realize the task to liberate Shiptars of Kosmet from Yugoslav slavery and unite with Albania. This entire activity is contained in the Statute and Program of the First Congress of the "Prizrenska Lige u emigraciji" (the Prizren League in Emigration).

By this the accused committed the crime by associating against the people and the state under Art. 117 subparagraph 2 in connection subparagraph 1 of the CC in order to commit criminal offenses under Art. 100 and 101 of the CC.

EXPLANATION

On the basis of the County Public Prosecutor's file request Kt. (Criminal Action) No. 121/67 of October 4, 1967 that this judge investigator open a criminal investigation against the accused Destan Berisha, a worker of the Central Hospital at North Hampton, USA, born in the village Bilusa, Assembly of Municipality of Prizren, because of the justified suspicion for coming in the autumn of 1950 in the armed group of Ahmet Kabashi, Pecir Bajgora, Sacir Kabashi and Hajredin Vucitrn on the territory of SFRY by which occasion illegally and armed he stayed a longer period for the purpose of collecting data and creating a base for making an enemy activity against SFRY. On the basis of the filed request judge investigator of this court by its decision Kio. (Criminal Investigative Order) No. 69/67 of October 4, 1967 opened the investigation and ordered custody because of the criminal offense of organizing and smuggling on the territory of Yugoslavia armed groups, individuals and material under Art. 111 item 1 of the CC.

However, at the time of committing criminal offenses under criminal provisions in force at that time was not anticipated (foreseen) criminal offense under Art. 111, item 1 of the CC and since in the action of the accused Destan Berisha appears a criminal action of espionage under Art. 105, item 2 of the CC, thus on the explained request of the County Public Prosecutor at Prizren Kt. No. 121/67 of November 15, 1967, by this decision the investigation is to be directed because of the criminal action of espionage under Art. 105, subparagraph 2 CC.

From the Record of hearing of the accused Kio. No. 69/67 of November 6, 1967 as well as from the Statute and Program of the activity of the "Prizren's League in Emigration" it can be seen that the accused Destan Berisha is evidently suspect for having committed the criminal offense under Art. 117, item 2 in connection with item 1 of the CC, in order to commit criminal offenses under Art. 100 and 101 of the CC, under which he stands charged, though this was not known previously. On the basis of the explained request of the County Public Prosecutor at Prizren Kt. No. 121/67 of November 15, 1967 by this decision has been extended the investigation in the direction to ascertain criminal offenses under Art. 117, item 2 in connection with subparagraph 1 of the CC for the purpose of committing criminal offenses under Art. 100 and 101 of the CC.

On the basis of the above statement and application of legal provisions of the LCP has been rendered the conclusion under I and II of this decision.

JUDGE INVESTIGATOR OF THE COUNTY COURT OF PRIZREN, November 16, 1967
Kio. No. 69/67

JUDGE INVESTIGATOR

2tt 2 Ls
EYBA - 1992

PREVOD SA ŠIPTARSKOG JEZIKA.

OKRUŽNO JAVNO TUŽILAŠTVO

Kt.br. 121/67

dana 16-XII-1967

P R I Z R E N

OKRUŽNOM SUDU

P R I Z R E N

Na osnovu čl.44 st.2 tač.2 Zakona o krivičnom postupku pe-
dičen

O F T U Ž N I C U

protivu **DESTANA BERTSE - BILUŠE**, rođenog u selu Biluši
31.maja 1922 g., od oca Sahita i majke Zane, rođene Ramadani, sadu
živi u SAD, u državi Masačusets - u Njort Enton, Šiptar, državljanin
SFRJ, oženjen, bez dece, samouk - zna pisati i čitati, vojnu obavezu
nije regulisao, nije esudjivan, nalazi se u istražnom zatvoru od 16.
septembra 1967 godine.

ZATO

Što je:

I. Posle odmetništva iz naše zemlje - u Italiju u toku
1949 godine stupio u Američku obaveštajnu službu, koja je tesno pove-
zana sa Nacionalnim komitetom - i obavljajući dužnosti ove tuđe agen-
ture u Bariu u Italiji savršio kurs za diverziju i špijunažu sa: Ahmet
Kabašijem, Bećir Bajgerom, Saifir Kabašijem, Hajredin Vučitrnom i kape-
tanom Ali Rizom, - svi edbegli iz Jugoslavije, sa ovima preusima obave-
se u korist službe protivu interesa SFRJ da na teritoriji Prizrena i
Suve Reke formira bazu, odnesne da organizuje reakcionarna lica i sa
slučaj potrebe da ih mobilize, u cilju otcepljenja Autonomne pokraji-
ne Kosova i Metohije od Socijalističke Federativne Republike Jugosla-
vije i stvaranja Etničke Albanije te sa ostvarenje ovega cilja, saje-
ne sa pomenutim licima sa grupom "Misija Kosova" kao naoružani diver-
zant snabdeven sa jednom količinom slata, u jesen 1960 godine ušao u
jugoslovensku teritoriju i selu Biluši blisu Prizrena sakrio se neke-
like dana prekupljajući obaveštenja špijunskog karaktera radi ostvare-
nja nevedenog cilja,

Čime je počinio krivično delo špijunaže iz čl. 105 st.2 KZ.

II. U toku 1962 godine postao je član "Prizrenske Lige
isbeglištva" sa sedištem u Njujorku - SAD i od 27 novembra 1966 godine
kao član višeg saveta deluje u ovoj neprijateljskoj organizaciji a ča-
ji je cilj da počinu krivična dela predviđena i kažnjiva po čl. 100
i 101 KZ, i upravlja sveju aktivnost tako da silom otcepi Autonomnu
pokrajinu Kosovo i Metohiju od teritorije SFRJ, da bi stvorio Etničku
Albaniju, sa ovim ciljem ova skuplja emigrante Šiptare iz Jugoslavije,
koji su neprijatelji naše zemlje, njih organizuje u borbi protivu dr-
žavnog u društvenog poretka SFRJ stvarajući time ciljeve predviđene
u ovom programu,-

Čime je počinio krivično delo udruživanjem protivu naređa
i države iz čl.117 st.2 KZ.

U smislu čl. 19 ZKP.

P R E D L A Ž E N

Da se odredi javni glavni pretres i da se pozovu:

1. Okružni javni tužilac u Prištini,
2. Optuženi Destan Beriša, koji se nalazi u istražnom zatvoru i njegov branilac Hasan Kriesiu advokat iz Prištine.

Kao svedoci: Miftar Planađa, koji živi u Prizrenu u ul. Džare Djakevića br.54, Hajredin Vučitrna, koji se nalazi na izdržavanju kazne u KPD Idriseve, Cerin Redža, iz Oraheva, Hanemšaha Beriša, iz Biluše, Maslumašaha Beriša, iz Biluše, Tefik Beriša, iz Biluše, Tahir Hedža, iz sela G. Neredimlja - Oreševac, Mustafa Raba, iz Oraheva, Sulejman Vučitrna, iz Oraheva, Ali Duljak Ališalina, iz Oraheva i Halit Derguta, iz Oraheva.

Tekom pretresa da se prečitaju: krivična prijava podneta od strane odelenja oštrane državne bezbednosti u Prizrenu br.282 od 12 septembra 1967 god., krivična prijava od istog odelenja u vidu službene beleške od 18. oktobra 1967 godine, časopis Prvog kongresa Lidžja u Prizrenit ne Mergin (Prizrenska liga u izbeglištvu) od 26 i 27 novembra 1966 i da se izvrši uvid u dve fotografije.

I nakon završetka glavnog pretresa optuženi Destan da se oglasi krivim i kazni po zakonu.

O B R A Z L O Ž E N J E

Nakon završene istrage utvrdjeno je da je optuženi Destan Beriša počinio krivična dela navedena u dispozitivu ove optužnice i krivično je odgovoran za ista.

Optuženi Destan još od 1956 godine se edmetnuo iz Jugoslavije u Grčku, de edmetništva je živio u selu Biluši blizu Prizrena. U Grčkoj je živio po koncentracijskim logorima u Selunu, Pireju i Lavri-di. Negde 1949 godine prelazi u Italiju i smešta se u gradu Bariju u logoru "Kampi" gde ostaje četiri meseca. U gradu Bariju završava kurs diversanski i špijunski zajedno sa edmetnicima: Ahmet Kabašem, Bedir Bajgerom, Šadir Kabašem i kapetanom Ali Rikom i Hajredinom Vučitrna, svi iz Jugoslavije. Optuženi se upoznao sa tehnikom upotrebe radio stanice i tehnikom upotrebe šifara i iskrcavanja sa padobrancima. U toku trajanja kursa često su ovu grupu posediivali članovi Nacionalnog komiteta kao: Džen Mark Dženi, Ismail Balaci i Džafir Deva. Ova poslednji često ih je posediivao u društvu Amerikanaca. Tako optuženi dobivaju stupa u Obeveštajnu službu Amerikanaca, koji je tesno povezan sa Nacionalnim komitetom. Od pomenutih lica formira se grupa i kapetan Ali Rika odredjuje se kao prisednik koji pružima zadatke da u prilog ove agenture i protivu interesa SPRJ da formiraju baze na teritoriji APKM organizujući reakcionarne elemente ove pokrajine i u slučaju potrebe i da ove mobilizuju sa ciljem da silom otcepe teritoriju Autonomne Pokrajine Kosova i Metohije od SPRJ da bi stvorili Etničku Albaniju. Svaki član grupe je upoznat sa ovim ciljevima kao i sa mestima u APKM gde će se ostvariti ovi ciljevi.

Ova grupa se prve snabdeva sa američkom vojnom uniformom, sa oružjem i sa izvesnom količinom zlatna. Jedna količina zlata isplaćena im je kao nagrada za zadatke koje će izvršiti. Tako ova grupa diversantata prve će stupiti u zemlju Narodne Republike Albanije. Ali oni su tako naišli na otpor i u okršaju ubijen je vođa ove grupe kapetan Ali Rika. Tako teren Ali Rika poveren je Destanu Beriši. Posle nekoliko meseci optuženi Destan SA POMENUTIM DIVERZANTIMA ilegalno je ušao u SPRJ. Optuženi se smestio u selu Biluši blizu Prizrena peniskajući na sebe da će na teritoriji Prizrena i Suve Reke organizovati reakcionarne elemente i u slučaju potrebe ove da mobilizuje sa ciljem da Područje APKM otcepi od SPRJ radi stvaranja Etničke Albanije. Za ostvarivanje ovih ciljeva prikuplja obaveštenja špijanskog karaktera. Nakon zadrevanja nekoliko dana optuženi baži iz Jugoslavije i odlazi u Grčku. Ova kvo činjenično stanje potvrđuje se iskazima Cerin Redže, Hajredina Vučitrne, Tahira Hedže, Ali Duljaka, Halita Derguta, Hanemšaha Planađa.

neje, Hanumšaha Beriše, Marumšaha Beriše i Tefika Beriše,

Optuženi Destan poriče izvršenje ovog krivičnog dela braneći se da posle osuđenosti nije se više varao u Jugoslaviju. U prigovoru svoje odbrane nije pružio nikakve dokaze. S toga u napred navedenim delima optuženog staju se svi elementi postojanja krivičnog dela špijunaže iz čl. 105 st.2 KZ kao i njegova krivična odgovornost.

U toku 1962 godine optuženi živi u Njujorku - SAD. Tu postaje član "Prizrenske Lige u izbeglištvu".

Optuženi posetuje presterije ove organizacije, uzima učešća na skupovima koje ista organizuje i upoznaje se sa ciljevima njene delatnosti. U danima 26 i 27 novembra 1966 godine biva pozvan i uzima učešća na Prvom kongresu "Prizrenske Lige" u izbeglištvu. Tu je slušao referate o delatnosti ove organizacije, upoznao se sa statutom i sa delatnošću koja će ova organizacija ubuduće. Jednoga od 27 novembra optuženi je član višeg saveta "Prizrenske Lige".

Te je jedna neprijateljska organizacija i kao takva prikuplja Šiptare emigrante iz Jugoslavije, koji su neprijatelji našeg naroda, ove organizuje u borbu protiv državnog i društvenog poretka SFRJ i upravlja svojom delatnošću da bi silom otcepio APKM od teritorije SFRJ da bi time stvorio Etničku Albaniju. Ove ciljeve ova organizacija je odredila u svom planu i programu.

Ove činjenično stanje se utvrđuje priznanjem optuženog i iz sadržaja članka Prvog kongresa "Prizrenske Lige u izbeglištvu".

U ovakvim radnjama stiču se elementi postojanja krivičnog dela udruživanja protiv naređa i države iz čl. 117 st.2 KZ kao i postojanje krivične odgovornosti optuženog za ovo krivično delo.

S toga je ova optužnica zasnovana na zakonu.

(M.P.) ZAMENIK JAVNOG TUŽIOCA,
Vehap Hašani, s.r.

SAGLASNOST OVOG PREPISA
SA IZVORNIM POTVRĐUJE
Upravitelj otkosa
sudske pisarnice
S. Gorani, s.r.

Proveo

Hasan Kriesin ,
advokat iz
Prištine.

АДВОКАТ
ХАСАН КРИЕЗИУ

АВОКАТ
HASAN KRYEZIU
ПРИШТИНА - PRISTINE

ак 3.0.
СУБА-1992
4. Јануар 68.
Priština 23-III-1967 god.

AMBASADI SJEDINJENIH AMERIČKIH DRŽAVA
- Konsularnom odelenju -

B E O G R A D

U vezi traženja Gospodina Matića, po telefonskom razgovoru od juče, u prilegu dostavljam Vam optužnicu Okružnog javnog tužilaštva u Prizrenu Kt.br.121/67 od 16-III-1967 godine - u prevodu sa Siptarskog na Srpski jezik.

Obaveštavam Vas da još nisam dobio sudski poziv sa glavni pretres po navedenoj optužnici, a verujem da će pretres biti ubrzo zakazan te ću vas o tome blagovremeno izvestiti.

Nameravam da odem u Prizren te da proučim ceo predmet po krivici opt. Destana Beriše i da sa njim vodim razgovore.

S poštovanjem,
Hasan Kriesiu

201-049052

FROM

EYBA 1922 4 JAN 68

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A translation of the Serbo-Croatian language document, which in turn was translated from the Shiptar (Albanian) language by Hasan KRIEZIU, lawyer from Pristina

Translated from the Shiptar (Albanian) language

The County's Public Prosecutor's Office

Kt. Number 121/67

The 16th day of December 1967

Prizren

To the County Court

Prizren

Based on Article 44, Page 2, Paragraph 2 of the Criminal Code, I

ACCUSE

Destan BERISHA - BILUSE, born in the village of Biluse on 31 May 1922, whose father is Sahit and whose mother is Zana, nee RAMADANI, and who currently lives in the USA, in the State of Massachusetts, in (the town of) North Hampton, Shiptar (Albanian), citizen of the S(ocialist) F(ederal) R(epublic) of Y(ugoslavia), married, no children, self-taught - he can write and read, who has not taken any appropriate steps to legalize his military obligations, has not been found guilty, and who has been held in prison under investigation since 16 September 1967, of the following:

That he has: I. After illegally fleeing this country in 1949 to Italy, entered into the service of the American Intelligence Service, which Service is closely associated with the National Committee, and in carrying out his obligations to this foreign agency, completed a course in illegal activities and espionage in Bari, Italy, together with Ahmet KABASHI, Bechir BAJGORA, Shachir KABASHI, Hajredin VUCHITEN and Captain Ali RIZA - all of whom fled from Yugoslavia, and together with these (men) agreed to work for the benefit of said Service against the interests of the SFRY and to establish a base on the territory of Prizren and Suva Reka. That is to say, to organize individuals with a reactionary leaning, and in case of need, mobilize for the purpose of separating the Autonomous Regions of Kosovo and Metohija from the Socialist Federal Republic of Yugoslavia and creating an Ethnic Albania. For the purpose of realizing this aim, he, together with the listed individuals of the "Kosovo Mission" group, as an armed diversionist, supplied with a certain amount of gold, entered on the territory of Yugoslavia in the fall of 1960, and hid several days in the village of Bilusa near Prizren, where he collected intelligence of an espionage-type in order to carry out his mission, and in doing so committed an act of espionage as (specified in) Article 105, Page 2 of the Criminal Act.

II. During 1962 he became a member of the "Prizren League in Emigration", with headquarters in New York, USA and since 27 November 1966, as a member of the high council (of the "Prizren League"), has been active on behalf of this enemy organization, which has as its aim the carrying out of criminal acts specified and punishable in accordance with Articles 100 and 101 of the Criminal Act, and has actively engaged in an effort to separate by force the Autonomous Regions of Kosovo and Metohija from the territory of the SFRY, in order to create an Ethnic Albania. For this purpose he has been collecting Shiptar (Albanian) emigrants from Yugoslavia, who are enemies of our country and organizing them for a struggle against the established governmental and social order of the SFRY, and by doing so successfully carrying out the mission that he has set for himself, and in doing so committed the criminal act of creating a group (which would act) against the people and the state as (specified in) Article 117, Page 2 of the Criminal Act.

In the spirit of Article 19 L(aw) of C(riminal)
P(rocedure) I

RECOMMEND

That a Public Trial be Instituted and that the following
be ordered to participate:

1. The County Public Prosecutor of Pristina (and)
2. The accused Destan BERISHA, who is held
in the investigative prison and his defense counsel
Hasan KRIEZIU, lawyer from Pristina.

(To be called) as witnesses: Miftar PLANIYA, who
lives at 54 Djure Djakovica Street, Prizren; Hajredin
VUCHITRN, who is serving a sentence in the State
Criminal Prison "Idrizovo; Cerim REDZA, from Orahovac;
Hanemshah BERISHA, from Bilusa; Mazlumbah BERISHA,
from Bilusa; Tefik BERISHA, from Bilusa; Tahir HODZA,
from the village of G(ornje) Nerodimalja (near) Urosevac;
Mustafa RABA, from Orahovac; Suleiman VUCHITRN, from
Orahovac; Ali Duljak ALISHULINA, from Orahovac; and
Halit DERGUTI, from Orahovac.

In the course of the trial the following will be
(publicly) read: the criminal indictment submitted by
the organs of the State Security in Prizren, Number 282,
dated 12 September 1967; the criminal indictment
(submitted) by the same organ in the form of an official
memorandum dated 18 October 1967; the periodical of the
First Congress of "Lidjja e Prizrenit ne Mergin" (The
Prizren League in Emigration) dated 26 and 27 November
1966; and that two photographs should be presented in
evidence.

And following the major trial, the accused Destan should
be found guilty and sentenced in accordance with the law.

EXPLANATION

Upon completion of the investigation it was determined that the accused Destan BERISHA had performed the criminal acts listed in the deposition of this accusation and is criminally responsible for these acts.

The accused Destan had illegally fled from Yugoslavia to Greece as early as 1956 (sic). Prior to fleeing illegally he lived in the village of Bilusa near Prizren. In Greece he lived in the concentration (sic) camps in Thessaloniki, Pireaus and Lavrion. Sometime in 1949 he moved to Italy and settled in the city of Bari in the camp "Kampi", where he remained four months. In the city of Bari he completed a course in diversion and espionage together the outlaws: Ahmet KABASHA, Bechir BAJGORA, Shachir KABASHA and Captain Ali RIZA and Hajredin VUCHITRN, all from Yugoslavia. The accused became familiar with proper use of a radio station (sic) and the proper use of ciphers and to jump with a parachute. While the course was running this group often visited such members of the National Committee as Djon Mark DJONI, Ismail BALACHI, and Dzafer DEVA. The last named visited them often in the company of Americans. In this manner the accused voluntarily entered the service of the American Intelligence Service, which was closely associated with the National Committee. A group was formed from the individuals listed above and Captain Ali RIZA was named President (of the group) and took upon himself the tasks to create a base on the territory of the A(utonomous) D(istrict) of K(osovo) and M(etohija) for the benefit of said agency (sic) and against the best interests of the SFRY, by organizing the reactionary elements in this District, and if need be, to mobilize them with the aim of forcibly detaching the territory of the Autonomous District of Kosovo and Metohija from the SFRY, in order to create an Ethnic Albania. Every member of the group was informed of these aims and also with the localities in the ADKM in which these aims were to be realized.

This group was first equipped with American military uniforms, with weapons and with a certain amount of gold. One part of the gold was given to them as a reward for the tasks that they would carry out. Thus this group of diversionists

would first enter into the country of the Peoples Republic of Albania. There, however, they were resisted and in a skirmish Captain Ali RIZA, the leader of the group, was killed. This resulted in the area of Ali RIZA being entrusted to Destan BERISHA. After several months the accused Destan (BERISHA) entered the SFRY illegally WITH THE ABOVE LISTED DIVERSIONISTS. The accused settled in the village of Bilusa near Prizren, and took upon himself the task to organize the reactionary elements on the territory of Prizren and Suva Reka and if need be, to mobilize them with the aim to separate the areas of the ADKM from the SFRY for the purpose of creating an Ethnic Albania. For the purpose of successfully carrying out these tasks he collected information of the espionage type. After remaining (in the village) several days, the accused fled Yugoslavia and went to Greece. The truth of these facts have been vouched for by statements by: Cherim REDZA, Hajredin VUCHITRN, Tahir HODZA, Ali DULJAK, Halit DURGUTA, Miftar PLANEJ, Hanumshah BERISHA, Mazlumshah BERISHA and Tefik BERISHA.

The accused Destan (BERISHA) denies having committed this criminal act and defends himself that after he fled he did not return to Yugoslavia. He did not supply any evidence in support of this defense. Therefore, all of the necessary elements for the establishment of the criminal act of espionage in accordance with Article 105, Page 2 of the Criminal Act and of his responsibility for criminal activities as listed above are herein present.

During 1962, the accused lived in New York, USA, and there became a member of the "Prizren League in Emigration".

The accused visited the premises of this organization, took part in the meetings during which any action was organized, and became familiar with all of (the organization's) aims. On 26 and 27 November 1966 he was asked to take part in the First Congress of the "Prizren League in Emigration". There he listened to reports of the activities of this organization, became familiar with the statutes and the plans for future activities of said organization. Already since 27 November the accused has been a member of the high council of the "Prizren League".

This is an enemy organization and as such gathers together the Shiptar (Albanian) emigrants from Yugoslavia, who are enemies of our people, and organizes them for a struggle against the governmental and social order of the SFRY, for the purpose of creating an Ethnic Albania. These are the aims which this organization has established in its plans and program.

The truth of these facts has been established by the confession of the accused and from the contents of report of the First Congress of the "Prizren League in Emigration".

Through such actions the truth of criminal activities of organizing (for action) against the people and the State as per Article 117, Page 2 of the Criminal Act, and the existence of criminal responsibility on the part of the accused for these criminal acts, have been established.

For these reasons this indictment is based on the Law.

Assistant Public Prosecutor

M.P. Vehap HASEANI

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This is a certification that
this is a true transcript of the
basic (documents)

Chief of the Section of Court Records

S. GORANI

Translated (from Albanian into Serbo-Croatian)

Hasan KRIEZIU

Lawyer from

Pristina

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**SUBJECT: Letter from Hasan KRIEZIU, Lawyer from Pristina,
Destan BERISHA's Defense Counsel, to the American
Embassy in Belgrade**

Pristina, 23 December 1967

**To the Embassy of the United States of America
Consular Section
Belgrade**

As per the request of Mr. MATIC in yesterday's telephone conversation, I am attaching herewith the Indictment of the County Public Prosecutor in Prizren, Kt. Number 121/67, dated 16 December 1967, translated from the Shiptar (Albanian) language into Serbo-Croatian.

I am informing you that have not as yet received the Court notification of the trial based on the indictment, though I believe that that the trial will be set for the near future and will inform you (of the date) in time.

I intend to go to Prizren in order to carefully study the entire case of Destan BERISHA's guilt and to talk with him.

Very respectfully yours,

Hasan KRIEZIU

RIB. No. 69/67

Judge Investigator of the County Court at Prizren, at the request of the County Public Prosecutor at Prizren, Kt. (Criminal action) No. 121/67 of November 15, 1967, in the criminal matter against the accused DESTAN BERISHA, a worker of the Central Hospital at North Hampton (sic), USA, born in the village of Bilusa, Assembly of Municipality Prizren, because of the criminal offense under Art. 105 subparagraph 2 of the Criminal Code as well as under Art. 117 subparagraph 2 in the connection with subparagraph 1 C.C., Item 4, Law on Criminal Procedure, on November 16, 1967 rendered the following

DECISION

That against

the accused DESTAN BERISHA, so-called Destan of Bilusa, a worker of the Central Hospital at North Hampton, USA, born 1921 at the village of Bilusa, Assembly of Municipality Prizren, to Sahita, father, and Zame, mother, nee Ramadani, Shiptar, a citizen of the SFRY, married, no children, literate, self-educated, no service in the army, not registered in the army, who has been in investigative custody since September 16, 1967,

I. Regarding the up to this date carried out investigation because of the criminal action of organizing and smuggling armed groups and individuals and materials to Yugoslavia under Art. 111, subparagraph 1, of the CC, the criminal qualification is herewith changed to the criminal offense of espionage under Art. 105 subparagraph 2 CC.

II. so that

INVESTIGATION IS EXTENDED

because of the justified suspicion that the accused Destan Berisha became a member on November 27, 1966 of the Main Committee "Ljdhjae Prizrenit" with its seat at New York, for committing criminal acts under Art. 100 and 101 of the CC because of the manner that this enemy organization directs its activities to separately force a part of the SFRY territory and join to ethnical Albania. For this purpose the organization assembles emigrants from Kosovo and Metohia Shiptars and organizes them to fight against the social structure of the SFRY to annex Kosmet to Albania and create a big Albania.

In order to execute this aim, the organization works on assembling other of our citizens who reside in Kosmet to work to realize the task to liberate Shiptars of Kosmet from Yugoslav slavery and unite with Albania. This entire activity is contained in the Statute and Program of the First Congress of the "Prizrenake lige u emigraciji" (the Prizren League in Emigration).

By this the accused committed the crime by associating against the people and the state under Art. 117 subparagraph 2 in connection with subparagraph 1 of the CC in order to commit criminal offenses under Art. 100 and 101 of the CC.

EXPLANATION

On the basis of the County Public Prosecutor's file request Kt. (Criminal Action) No. 121/67 of October 4, 1967 that this judge investigator open a criminal investigation against the accused Destan Berisha, a worker of the Central Hospital at North Hampton, USA, born in the village Bilusa, Assembly of Municipality of Prizren, because of the justified suspicion for coming in the autumn of 1950 in the armed group of Ahmet Kabashija, Pecir Bajgora, Bacid Kabashija and Hajredin Vucitru on the territory of SHRY by which occasion illegally and armed he stayed a longer period for the purpose of collecting data and creating a base for making an enemy activity against SHRY. On the basis of the filed request judge investigator of this court by its decision Kio. (Criminal Investigative Order) No. 69/67 of October 4, 1967 opened the investigation and ordered custody because of the criminal offense of organizing and smuggling on the territory of Yugoslav armed groups, individuals and material under Art. 111 item 1 of the CC.

However, at the time of committing criminal offenses under criminal provisions in force at that time was not anticipated (foreseen) criminal offense under Art. 111, item 1 of the CC and since in the action of the accused Destan Berisha appears a criminal action of espionage under Art. 105, item 2 of the CC, thus on the explained request of the County Public Prosecutor at Prizren Kt. No. 121/67 of November 15, 1967, by this decision the investigation is to be directed because of the criminal action of espionage under Art. 105, subparagraph 2 CC.

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From the records of hearing of the accused Kio. No. 69/67 of November 6, 1967 as well as from the Statute and Program of the activity of the "Prizren's League in Emigration" it can be seen that the accused Destan Verishi is evidently suspect for having committed the criminal offense under Art. 117, item 2 in connection with item 1 of the CC, in order to commit criminal offenses under Art. 100 and 101 of the CC, under which he stands charged, though this was not known previously. On the basis of the explained request of the County Public Prosecutor at Prizren Kt. No. 121/67 of November 14, 1967 by this decision has been extended the investigation in the direction to ascertain criminal offenses under Art. 117, item 2 in connection with subparagraph 1 of the CC for the purpose of committing criminal offenses under Art. 100 and 101 of the CC.

On the basis of the above statement and application of legal provisions of the LCP has been rendered the conclusion under I and II of this decision.

JUDGE INVESTIGATOR OF THE COUNTY COURT OF PRIZREN, November 16, 1967
Kio. No. 69/67

JUDGE INVESTIGATOR